

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRAINTECH, INC.,

Plaintiff

vs

Case No: 09-10454  
Honorable Victoria A. Roberts

ADIL SHAFI,

Defendant/Counter-Plaintiff,

vs

FREDERICK WEIDINGER,

Counter-Defendant.

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**ORDER**

On July 1, 2009, the Court held a Scheduling Conference. Attending were Mary Deon and James Vande Wyndearde representing Plaintiff Braintech and Counter-Defendant Weidinger and James Murphy representing Defendant/Counter Plaintiff Shafi.

Based on the discussion held, Plaintiff/Counter-Defendant's and Third Party Defendant's Motion to Dismiss (Doc. #14) is deemed WITHDRAWN. However, Third Party Plaintiff is to file an Amended Complaint by July 22, 2009, which makes clear Mr. Weidinger is not being sued for breach of contract and which pleads with more particularity, fraud and claims under the Michigan Uniform Securities Act and The Exchange Act.

Plaintiff/Counter-Defendant and Third party Defendant are cautioned not to file motions styled as FRCP 12(b)(6) motions, which rely on documents outside of the pleadings and which require the Court to resolve genuine issues of fact, while discovery is ongoing.

**IT IS ORDERED.**

/s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: July 6, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 6, 2009.

s/Linda Vertriest  
Deputy Clerk